

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, SEPTEMBER 23, 2021

Presiding: Mayor Steven Adams

Meeting Via Internet and at City Hall Convened at 6:30 p.m.

Prayer: Mayor Adams

Pledge of Allegiance: Councilman Dayley

Present at City Hall and Online: Mayor Steven Adams; Councilors Joy M. Ball, Glenn Dayley, Connie Fogle, and Catherine Nielsen; Clerk-Treasurer Wendy McLaughlin; City Attorney Chase Hendricks; Public Works Assistant Jon Turner; City Building Inspector and P&Z Administrator Quinton Owens; Planning & Zoning Chairman Dave Thompson; Community Development Specialist Kurt Hibbert; Intermountain Gas Teton District Manager Teri TeNgaio; Citizen Tim Frogue, Lawrence Nielsen, and others who may have joined electronically but not identified. Public Works Director Arlynn Jacobson was excused.

**CONSENT AGENDA:**

**MOTION:** It was moved by Councilwoman Ball and seconded by Councilwoman Nielsen to approve the Consent Agenda item for the 9-9-21 minutes; motion carried.

**PLANNING AND ZONING (P&Z) FINDINGS FOR OLD FARM ESTATES (OFE) DEVELOPMENT AGREEMENT AND MASTER PLAN:** No report.

**P&Z FINDINGS OFE ZONE CHANGES:** No report.

**P&Z FINDINGS OFE DIVISION NO. 4 PRELIMINARY PLAT:** No report.

**PUBLIC COMMENT:** No report.

**PUBLIC WORKS REPORT:** Public Works Assistant Jon Turner, filling in for Arlynn Jacobson, reported on the following items:

**Sewer line Maintenance** – Sugar City had the City of Rexburg clean out and camera several sewer lines mostly in the northern section of Sugar City and included the Moody line to Rexburg which needs to be replaced in the near future. It has been several years since the lines have been cleaned. Most looked good. There is a bow in the line next to Heritage Park that will need to be repaired. The Moody line to Rexburg showed a lot of build-up which serves as a protective barrier. The build-up will not be removed to protect the line from further damage.

**City Utility Infrastructure** – Currently the utility infrastructure is being mapped and will eventually be systematically scheduled for maintenance on a regular basis.

**PLANNING & ZONING REPORT:** City Attorney, Chase Hendricks briefly reported for P&Z Chairman Dave Thompson who came in later:

**OFE Findings** – The council was concerned that there were no recommendations from

Planning and Zoning on the Old Farm Estates public hearings from their regular meeting on Thursday, September 16, 2021. A special meeting will be held on Tuesday, September 28, 2021 to meet the 35-day time constraint on the Old Farm Estates public hearing recommendations.

**Business Park** – Glen and Cammie Muir have met with the P&Z and Design Review. The procedure has been unclear making it very cumbersome and frustrating. The Business Park Committee and CC&Rs are separate from the city but the city has controlling interest until a certain number of lots are sold. A Special Use Permit is needed since the new building will be classified as a warehouse.

**Stoddard Storage Units** – P&Z approved the Variance Application for the Stoddard Storage Units. A report will be provided to the council.

**Annexation Public Hearing** – Dave Thompson reported that P&Z have completed all tasks to prepare to annex the business corridor on Highway 33 south of Sugar City. A public hearing date will be scheduled.

#### **GENERAL BUSINESS:**

**Community Specialist Renewal Agreement:** The council approved the 2<sup>nd</sup> contract agreement with Kurt Hibbert to develop code amendments. He will work with the code revision group put together by the mayor.

**MOTION:** It was moved by Councilwoman Nielsen and seconded by Councilman Dayley to approve the renewal agreement with Community Specialist Kurt Hibbert. Thereupon, the Clerk called roll upon the motion.

Those voting aye: Councilors Ball, Dayley, Fogle, and Nielsen

Those voting nay: None

Motion carried.

#### **Historic Preservation Appointment:**

**MOTION:** It was moved by Councilwoman Ball and seconded by Councilwoman Nielsen to approve the mayor's appointment of Grant and Linda Johnson to the Historic Preservation Commission; motion carried.

#### **Tree and Beautification Committee Appointment:**

**MOTION:** It was moved by Councilwoman Ball and seconded by Councilwoman Nielsen to approve the mayor's appointment of Lynsee Mattison to the Tree and Beautification Committee; motion carried.

**Maupin Sewer Connection Agreement:** The agreement contains a surcharge for services outside the city limits. It also provides for annexation and surcharge dismissal upon annexation.

**MOTION:** It was moved by Councilman Dayley and seconded by Councilwoman Nielsen to approve the sewer connection agreement. Thereupon, the Clerk called roll upon the motion.

Those voting aye: Councilors Ball, Dayley, Fogle, and Nielsen

Those voting nay: None

Motion carried.

**School Triangle Maintenance:** The city may be deeded the school triangle piece from the Madison County next to the Sugar Salem High School to the south and the road going north to Highway 33. The city does not want to maintain the area by mowing or trimming and has suggested tearing out the trees and grass for gravel. The Tree and Beautification Committee would like to see an attractive low-maintenance landscaped area that would benefit the city and improve its appearance. There is water available to the area. The Tree and Beautification Committee will make a recommendation to the city council.

#### **CALENDARED ITEMS:**

**First Discussion – Street Sweeping Parking Violations** – The ordinance will prohibit parking on streets while the city is cleaning the streets with the street sweeper. The council suggested that the 14-day allowable parking on the streets is too long and would like it changed to 5-7 days for vehicles, trailers, and etc. RVs could be given a permit. City Attorney Chase Hendricks will work with Mr. Turner on some of the wording for the next council meeting.

#### **Second Discussion – Intermountain Gas Franchise Agreement**

Ordinance No. 369\_2021 was reviewed by the council and by title only.

“AN ORDINANCE OF THE CITY OF SUGAR CITY, IDAHO, GRANTING TO INTERMOUNTAIN GAS COMPANY A TWENTY (20) YEAR EXTENSION TO IT’S FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM; PROVIDING FOR THE USE OF STREETS AND ALLEYS, AND RULES GOVERNING THE SAME, SUBJECTING THE GRANTEE TO ALL POWERS OF THE CITY; SETTING FORTH THE RULES OF THE FRANCHISE AND GRANT; PROVIDING FOR THE RIGHT OF INSPECTION BY THE CITY OF GRANTEE’S PLANS, ACCOUNTS AND BOOKS; REQUIRING GRANTEE TO FURNISH CERTAIN MAPS; SETTING FORTH THE QUARTERLY PAYMENT TO THE CITY, AND THE FILING OF QUARTERLY REPORTS WITH THE CITY; REQUIRING GRANTEE TO INDEMNIFY CITY, AND FILE EVIDENCE OF INSURANCE; REQUIRING COMPLIANCE WITH SAFETY REGULATIONS; SETTING FORTH AN AGREEMENT NOT TO COMPETE; RESERVING POWER OF EMINENT DOMAIN; PROVIDING FOR SURRENDER OF FRANCHISE; GRANTING RIGHT TO SALVAGE; REQUIRING WRITTEN ACCEPTANCE; PROVIDING FOR CONSENT TO SALE OR ASSIGNMENT; PROVIDING FOR PAYMENT OF PUBLICATION COSTS; SETTING FORTH PENALTIES AND FORFEITURES, SEPARABILITY AND REPEAL.”

It was moved by Councilwoman Nielsen and seconded by Councilwoman Ball to waive reading of the ordinance on three different days and to place it upon its final passage. Thereupon the clerk called roll upon the motion.

Those voting aye: Councilors Ball, Dayley, Fogle, and Nielsen

Those voting nay: None

It was moved by Councilwoman Nielsen and seconded by Councilman Dayley to adopt this

ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilors Ball, Dayley, Fogle, and Nielsen

Those voting nay: None

Ordinance No. 369\_2021 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council. The clerk will publish Ordinance No. 369\_2021 in summary or full immediately in at least one issue of the *Standard Journal*, a newspaper published in the city of Rexburg, Madison County, Idaho.

**MAYOR & COUNCIL REPORTS:** Mayor Adams reported on the following items:

**City Attorney Projects:** City Attorney Chase Hendricks will be paid for extra projects he has been helping the city with:

- Negotiating water share ownership with the school district
- Fixing Railroad Avenue, and
- Enforcing Business Park business Frito Lay landscaping compliance

**Fiber Contract Housekeeping:** The council approved fiber agreement will be added to the next agenda for a roll call vote since it is a contract.

**City of Rexburg Annexation in Salem Area:** The City of Rexburg is looking at annexing properties north of the North Rexburg Interchange and west of the Salem Road. The mayor asked that property owners' desires and that school boundaries already in existence be respected. Discussions will continue. The mayor will ask for a meeting with the Rexburg Mayor Jerry Merrill.

Councilwoman Ball reported on the following items:

**Historic Preservation Commission - Met** on Thursday, September 16. The old Jr. High building will not be available for a museum office or storage. The building will be used for a possible full-year kindergarten and the expanding the alternative school. The commission decided to purchase the "Past Perfect" software rather than the "Catalogue It" program as it better meets their goals and needs. They also have applied for memberships to the Idaho Association of Museums and American Association for State and Local History. Payments will be submitted for reimbursement. Commission Member, Blake Grover, will create a Facebook page for the Historic Preservation Commission. They will also look at possible grant funding solutions with Ted Hendricks. Commission Member, JoAnn Peters, presented a power point presentation on ideas that other cities have done. Fund raising donations have been successful enterprises in other cities raising over \$225,000.

**Tree and Beautification Committee** – Met on Wednesday, September 15. They would like a notice posted on the city's Facebook or newsletter for names of property owner's whose gardens are hidden behind fences who would like to be considered for garden awards. Property owners are responsible for weeds outside their fences next to their property. The committee will not meet again until next spring. The September and October yard awards are:

- Doug McBride 121 N Park
- Jamie Anderson 375 S Pine
- Santiago and Emma Romero 119 N Front
- Jerri Lynn Gill 225 W 2<sup>nd</sup> S

September and October garden awards are:

- Vicky and Dewey Furness 226 N Fremont
- Jesse and Virginia Brown 406 E Center
- David and Anna Fluckiger 440 S Cutler
- Jerri Lynn Gill 225 W 2<sup>nd</sup> S

#### **EXECUTIVE SESSION:**

7:55 P.M. It was moved by Councilwoman Nielsen and seconded by Councilwoman Ball to move into executive session pursuant to Idaho Code 74-206(1)(b), “(b) Evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual agent”. Motion carried. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilors Ball, Dayley, Fogle, and Nielsen  
Those voting nay: None

Thereupon, the mayor declared the motion passed.

9:15 P.M. The executive sessions ended for Idaho Code 74-206(1) (b). No decisions were made and there was no deliberation.

Councilwoman Nielsen made a motion for adjournment. Meeting adjourned at 9:15 p.m.

Signed: \_\_\_\_\_  
Steve Adams, Mayor

Attested: \_\_\_\_\_  
Wendy McLaughlin, Clerk-Treasurer